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11		
12	UNITED STATES BANKRUPTCY COURT	
13	NORTHERN DISTRICT OF CALIFORNIA	
14	SAN FRANCISCO DIVISION	
15		
16	In re) CASE NO. 19-30088 (DM)
17	PG&E CORPORATION	Chapter 11 (Lead Case)
18	-and-) (Jointly Administered)
19	PACIFIC GAS AND ELECTRIC COMPANY,	TIGER NATURAL GAS, INC.'S MOTION TO FILE CERTAIN
20	Debtors.	DOCUMENTS UNDER SEAL PURSUANT TO 11 U.S.C. §§ 105(A) AND
21	☐ Affects PG&E Corporation) 107(B) AND FRBP 9018
22	■ Affects Pacific Gas and Electric Company)) [No Hearing Requested]
23	□ Affects both Debtors))
24	*All papers shall be filed in the Lead Case, No. 19-30088 (DM)	,)
25	110.17 30000 (DIII)))
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STATEMENT OF RELIEF SOUGHT

Tiger Natural Gas, Inc. ("Tiger") moves the Court pursuant to the Protective Order entered on April 11, 2018, in the case *Tiger Natural Gas, Inc. v. Pacific Gas and Electric Company, et al.*, Case No. 4:16-CV-06711 (JSW) [Dkt. #64] for relief in the form of filing certain documents under seal, designated "Attorney Eyes Only" by Debtor Pacific Gas & Electric Company, and further moves pursuant to Sections 105(a) and 107(b) of title 11 of the United States Code, Rule 9018 of the Federal Rules of Bankruptcy Procedure, Rule 1001-2(a) of the Bankruptcy Local Rules for the United States District Court for the Northern District of California, and the *New District Wide Procedures for Electronically Filing Sealed and Redacted Documents* adopted by the United States Bankruptcy Court for the Northern District of California, for entry of an order authorizing Tiger to file under seal certain deposition transcript excerpts, listed below, in connection with Tiger's Reply in Support of Motion for Relief from Automatic Stay, filed contemporaneously herewith.

A proposed order is attached hereto as **Exhibit A**, in accordance with the Local Procedures.

MEMORANDUM OF POINTS AND AUTHORITIES

I. JURISDICTION

This Court has jurisdiction over the Motion pursuant to 28 U.S.C. §§ 157 and 1334, the Order Referring Bankruptcy Cases and Proceedings to Bankruptcy Judges, General Order 24 (N.D. Cal.), and Bankruptcy Local Rule 5011-1(a). This is a core proceeding pursuant to 28 U.S.C. § 157(b). Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409. The bases for the relief requested in the Motion are §§ 105(a) and 107(b) of the Bankruptcy Code and Bankruptcy Rule 9018.

II. BASIS FOR RELIEF REQUESTED

1. Under Section 105(a) of the Bankruptcy Code, the Court is allowed to "issue any order ... that is necessary or appropriate to carry out the provisions of this title." 11 U.S.C. § 105(a). Section 107(b) provides that, "[o]n request of a party in interest, the bankruptcy court shall, and on the bankruptcy court's own motion, the bankruptcy court may ... [p]rotect an entity

with respect to a trade secret or confidential research, development, or commercial information." 11 U.S.C. § 107(b).

- 2. An entity seeking protection under Section 107(b) need only show that the information it seeks to seal is "confidential" and "commercial" in nature. *Video Software Dealers Ass'n v. Orion Pictures Corp.*, 21 F.3d 24, 27 (2d Cir. 1994).
- 3. The District Court's Protective Order, dated April 11, 2019 [Dkt. #64] provides that "Protected Material" includes "Confidential" or "Attorney's Eyes Only" material. The Protective Order limits public disclosure of such material and provides: "Without written permission from the Designating Party or a court order secured after appropriate notice to all interested persons, a Party may not file in the public record in this action any Protected Material. A Party that seeks to file under seal any Protected Material must comply with Civil Local Rule 79-5." The documents listed below are therefore sealable because Debtor PG&E, the producing party, designated each as "Attorney's Eyes Only" and said documents have been filed under seal contemporaneously herewith:
 - a) Relevant excerpts from the Deposition Transcript of Michael Quinn, Ph.D, dated
 September 29, 2017; and
 - b) Relevant excerpts from the Deposition Transcript of Daniel W. Ray, dated October 4, 2017 (collectively the "Protected Material").
- 4. A copy of counsel's declaration in support of this Motion to File Under Seal is being filed contemporaneously herewith.
- 5. Because the deposition transcript excerpts contain information marked "Protected Material" within the scope of the Protective Order, the Court should grant Tiger's request.

III. NOTICE

Notice of the Motion to File Under Seal will be provided to (i) the Debtors and counsel to the Debtors; (ii) counsel to the Office of the United States Trustee for Region 17; (iii) counsel to the administrative agent under the Debtors' debtor-in-possession financing facility; (iv) counsel to the collateral agent under the Debtors' debtor-in-possession financing facility; (v) counsel to the CPUC; (vi) the U.S. Nuclear Regulatory Commission; (vii) the U.S. Department of Justice, as

	1		
1	counsel for the United States on behalf of the Federal Energy Regulatory Commission; (viii)		
2	each member of the Official Committee of Unsecured Creditors specified in the Notice of		
3	Appointment of the Official Committee of Unsecured Creditors [Docket 409]; (ix) each member		
4	of the Official Committee of Tort Claimants specified in the Notice of Appointment of the		
5	Official Committee of Tort Claimants [Docket 453]; and (x) those parties who have requested		
6	notice pursuant to Fed. R. Bankr. P. 2002.		
7	IV. <u>CONCLUSION</u>		
8	To ensure compliance with the Protective Order in the District Court Case, Tiger seeks		
9	limited relief to file the Protected Material under seal in connection with its Reply in		
10	Support of Motion for Relief from Automatic Stay. For the reasons set forth above, Tiger		
11	requests that the documents be kept under seal as set forth in the Proposed Order.		
12			
13	DATED: November 11, 2019		
14	Respectfully submitted,		
15	HOLLAND & KNIGHT LLP		
16	Dry /a/ Logh E. Canvitta		
17	By: /s/ Leah E. Capritta Leah E. Capritta		
18	Attorneys for Tiger Natural Gas, Inc.		
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10	Attorneys for Plaintiff		
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12	UNITED STATES BANKRUPTCY COURT		
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17	PG&E CORPORATION) Chapter 11	
18	-and-) (Lead Case)) (Jointly Administered)	
19	PACIFIC GAS AND ELECTRIC)	
20	COMPANY,) ORDER GRANTING TIGER NATURAL) GAS, INC.'S ADMINISTRATIVE	
21	Debtors.) MOTION TO FILE CERTAIN) DOCUMENTS UNDER SEAL	
22	□ Affects PG&E Corporation■ Affects Pacific Gas and Electric Company)) [NO HEARING REQUIRED]	
	□ Affects both Debtors)	
23	*All papers shall be filed in the Lead Case,		
24	No. 19-30088 (DM))	
25)	
26		_	
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Case	: 19-30088 Doc# 4662 Filed: 11/11/19 Entered: 11/11/19 16:46:52 Page 5 of E xhibit "A"		

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This matter came before the Court on Tiger Natural Gas, Inc.'s ("Tiger") Motion to File Certain Documents Under Seal (the "Motion"). The Court having considered the Motion, the declaration filed in support, any response and reply briefing, its files and records herein, and being fully advised,

IT IS HEREBY ORDERED, DECREED, AND ADJUDGED that the Motion is GRANTED; and

IT IS HEREBY FURTHER ORDERED, DECREED, AND ADJUDGED that Tiger is authorized to file the excerpts from the documents listed below under seal pursuant to section 107(b) of the Bankruptcy Code and Bankruptcy Rule 9018 in connection with its Reply in Support of Motion for Relief from Automatic Stay:

- a) Deposition Transcript of Michael Quinn, Ph.D, dated September 29, 2017; and
- b) Deposition Transcript of Daniel W. Ray, dated October 4, 2017.

IT IS HEREBY FURTHER ORDERED, DECREED, AND ADJUDGED that this Court shall retain jurisdiction to hear and determine all matters arising from or related to the implementation, interpretation, or enforcement of this Order.

IT IS HEREBY FURTHER ORDERED, DECREED, AND ADJUDGED that notice of the Motion as provided therein shall be deemed good and sufficient and the requirements of the Bankruptcy Local Rules are satisfied by such notice.

End of Order